2. It shall be lawful for Government from time to time by [1] notification to amend the schedule to which reference is made in section 15 of [2] (Bombay) Act XII of 1866, and the schedule so amended shall be taken to be, and shall be, from the date of such notification, the schedule to which reference is made in section 15 of the said Act : Power to amend schedule by notification.

Provided always that no person shall be included in the said schedule who is not a member of one of the late reigning families in Sindh.

SCHEDULE.

[*Supra*, p. 465.]

THE BOMBAY LOCAL FUNDS ACT, 1869.

CONTENTS.

PREAMBLE.

SECTIONS.

1 to 5. [*Repealed.*]
6. Levy of one anna cess on every rupee of land-revenue for purposes of Act.
Proviso.
7. Rules for assessment.
8. Cess to be levied as land-revenue.
9 to 14. [*Repealed.*]
15. Sindh and City of Bombay excluded.
16. Short title.

[1] For new additions by notifications issued under this section, *see* the schedule annexed to Bom. Act 12 of 1866, *supra*, p. 465.

[2] *Supra*, p. 458.

BOMBAY ACT No. III OF 1869.[1]

[*3rd April, 1869.*]

An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility and improvement.

[2] * * * *

Preamble.

WHEREAS it is expedient to provide funds for local works of public utility and convenience, and to make better provision for education and sanitary improvements in the Presidency of Bombay [3] * * * * *; It is enacted as follows :—

1 to 5.—[*Power to define limits of districts; Local fund committees; officers and establishments.*] *Rep.* (*except as to Aden*) *by Bom. Act I of 1884.*

Levy of one anna cess on every rupee of land-revenue for purposes of Act.

6. It shall be lawful for Government to levy, for the purposes of this Act, on the conditions and in the manner hereinafter described, from all lands in the Presidency of Bombay, except jágír-lands not under the general Regulations, and also from every farmer of land or saír revenue in respect of any such farm taken from the Collector or other officer on behalf of Government after the date on which this Act comes into operation, a cess not exceeding one anna on every rupee that is assessable to the ordinary land-revenue, or that would have been so assessable had there been no alienation of such revenue, and on every rupee that is payable by such farmer of land or saír revenue in respect of such farm :

Proviso.

Provided that in respect of lands of which a settlement for a term of years is for the first time made after this Act comes into operation such cess be imposed at the time when such settlement is made, and at no other period during the currency of the term.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1868, Pt. V, p. 547 ; for Report of the Select Committee, *see ibid*, 1869, pp. 88 and 212 (52) and for Proceedings in Council, *see ibid*, 1869, pp. 212 (30, 69 and 89).

The net proceeds of the cess levied under Bom. Act 3 of 1869 are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), *see* s. 44 of that Act *infra*, p. 847.

[2] The words "and to constitute Local Committees for the due administration of such funds" were repealed (except as to Aden) by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), *infra*, p. 829.

[3] The words "and whereas it is expedient to constitute Local Committees to provide for the due appropriation of such funds to the purposes aforesaid" were repealed (except as to Aden) by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), *infra*, p. 829.

Rules for assessment.

7. In assessing this cess on alienated villages as defined in [1][the] [2][Bombay Land-revenue Code, 1879] the following rules shall be adopted :—

Bom. V of 1879.

I.—If the village has been surveyed and assessed on the principles laid down in [1][the] [2][Bombay Land-revenue Code, 1879], the cess shall be fixed on the total annual assessment of the village as made by the survey-officers.

II.—If the village has come under summary settlement under [3](Bombay) Act II or [4](Bombay) Act VII of 1863, the cess shall be fixed until the village is brought under the preceding rule, on the total annual assessment as settled for the purposes of summary settlement.

III.—On villages not included in the preceding rules, the cess shall be fixed on the old or kammál rate recorded in the Collector's books; but [5][if no such rate is so recorded or if the rate so recorded is] objected to by the holder or proprietor of the alienated village, then the cess may be fixed as agreed on by the Collector and such holder or proprietor, or failing agreement, then by a rough survey and assessment to be made by survey-officers, the expense of such rough survey being borne half by Government and half by the holder or proprietor of such village.

Cess to be levied as land-revenue.

8. The cess described in sections 6 and 7 * * * *[6] shall be levied in the same manner, and under the same provisions of law, as the ordinary land-revenue, and through the agency of such officers as shall from time to time be appointed for the purpose by the Collector, acting under the general control of Government or of the [7][Commissioner of the division] or other officer from time to time duly empowered on that behalf by Government.

The provisions of the law relative to the assistance to be given to superior holders for the recovery of their dues from their tenants and occupants under

[1] The word "the" was inserted by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 223.

[2] These words and figures were substituted for the words and figures "(Bombay) Act 1 of 1865" by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), *infra*, p. 829. The amendment does not, however, extend to Aden as Bom. Act 1 of 1884 does not apply to Aden.

For the Bombay Land-revenue Code, 1879 (Bom. Act 5 of 1879), *see infra*, p. 631.

[3] *Supra*, p. 386.

[4] *Supra*, p. 437.

[5] These words were substituted for the words "if this rate be" by the Bombay Local Boards Act, 1884 (Bom Act 1 of 1884), s. 75 (*c*), *infra*, p. 860.

[6] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol IV of this Code.

[7] These words were substituted for the words "Revenue Commissioner" by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), s. 75 (*b*). The amendment does not affect Aden as Bom. Act 1 of 1884 does not extend to Aden.

them shall be applicable to all superior holders, whether of alienated or unalienated land in respect of the recovery of this cess from their tenants and occupants, and shall be applicable also to occupants of land under [1][the] [2][Bombay [3] Land-revenue Code, 1879] for the recovery of this cess from their tenants or joint occupants. Bom. V of 1879.

9 to 13.—[*Accounts ; assignments ; administration of other funds ; power to make rules ; "Collector" and "Sub-Collector" defined.*] *Rep.* (*except as to Aden*) *Bom. Act I of 1884.*

14.—[*Cess collected previous to operation of Act.*] *Rep. Act XII of 1873.*

Sindh and City of Bombay excluded.

15. This Act is not applicable to the Province of Sindh or to the City of Bombay.

Short title.

16. This Act may be cited as the Bombay Local Funds Act, 1869.

THE BOMBAY TRAMWAYS ACT, 1874.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Interpretation-clause.
3. Routes on which tramways to be maintained.
4. Notice in Government Gazette of new tramway.
5. Form in which tramways to be maintained.
6. Construction of carriages.
7. Grantees may use tramway carriages with flange-wheels.
8. Reservation of right of public to use roads.
9. Carriages to be worked with animal-power.
10. Power to break up streets, etc.
11. Completion of works and reinstatement of road.
12. Repair of part of road where tramway laid.
13. Penalty for failure by grantees to comply with provisions of Act.
14. Work may be executed by Municipal Commissioner at cost of grantees if they delay or omit to perform it.
15. Reservation of power over roads.

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[1] The word "the" was inserted by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 223.

[2] These words and figures were substituted for the words and figures "(Bombay) Act 1 of 1865" by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), s. 75 (*a*). The amendment does not affect Aden as Bombay Act 1 of 1904 does not extend to Aden, Vol. IV of this Code.

[3] For the Bombay Land-revenue Code, 1879 (Bom. Act V of 1879), *see infra*, p. 631.